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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/691,783      | 10/23/2003  | Tatsuo Makii         | 450100-04791        | 7173             |

7590 02/08/2007  
William S. Frommer, Esq.  
FROMMER LAWRENCE & HAUG LLP  
745 Fifth Avenue  
New York, NY 10151

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| EXAMINER |
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SELBY, GEVELL V

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2622

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 02/08/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/691,783 | <b>Applicant(s)</b><br>MAKII, TATSUO |  |
|                              | <b>Examiner</b><br>Gevell Selby      | <b>Art Unit</b><br>2622              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Bos et al., US 6,667,471.**

In regard to claim 1, Bos et al., US 6,667,471, discloses an optical unit having an optical barrel and imaging means disposed at a rear side portion on an optical axis of said optical barrel, the optical unit comprising:

infrared transmission amount adjusting means (see figure 8, element 118),  
provided at a front side portion on an optical axis of said imaging means, for  
adjusting an amount of infrared electromagnetic wave to be transmitted (see column  
11, lines 35-39 and column 12, lines 41-62).

In regard to claim 2, Bos et al., US 6,667,471, discloses the optical unit according to claim 1, wherein said infrared transmission amount adjusting means comprises a liquid crystal panel or an electro-chromic device (see column 11, lines 45-50).

In regard to claim 3, Bos et al., US 6,667,471, discloses an optical unit having a fixed barrel, at least one lens barrel being movable along a direction of an optical axis thereof with respect to said fixed barrel and imaging means disposed at a rear side portion on the optical axis of said lens barrel, the optical unit comprising:

infrared transmission amount adjusting means (see figure 8, element 118), provided at a front side portion on an optical axis of said imaging means, for adjusting an amount of infrared electromagnetic wave to be transmitted (see column 11, lines 35-39 and column 12, lines 41-62).

In regard to claim 4, Bos et al., US 6,667,471, discloses the optical unit according to claim 3, wherein said infrared transmission amount adjusting means comprises a liquid crystal panel or an electro-chromic device (see column 11, lines 45-50).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bos et al., US 6,667,471, in view of Nagano, US 6,952,233.**

In regard to claim 5, Bos et al., US 6,667,471, discloses the imaging apparatus comprising an optical unit, wherein said optical unit comprises:

imaging means (see figure 9, element 112 and column 12, lines 1-20), and  
infrared transmission amount adjusting means (see figure 8, element 118),  
provided at a front side portion on an optical axis of said imaging means, for  
adjusting an amount of infrared electromagnetic wave to be transmitted (see  
column 11, lines 35-39 and column 12, lines 41-62).

The Bos reference does not disclose an optical barrel, a fixed barrel disposed at a rear side portion on an optical axis of said optical barrel, at least one lens barrel being movable along said optical axis with respect to said fixed barrel or that the imaging means is disposed at a backside portion on an optical axis of said lens barrel.

Nagano, US 6,952,233, discloses an optical unit of an imaging apparatus with transmission amount adjusting means (see figure 1, element 9), provided at a front side portion on an optical axis of said imaging means (see column 6, lines 22-24), a fixed barrel (see figure 1, element 3) disposed at a rear side portion on an optical axis of the optical barrel (see column 6, lines 9-11), at least one lens barrel (see figure 1, element 2) being movable along said optical axis with respect to said fixed barrel (see column 6, lines 7-9), and the imaging means (see figure 1, element 10) is disposed at a backside portion on an optical axis of said lens barrel (see column 6, line 24).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Bos et al., US 6,667,471, in view of Nagano, US 6,952,233, to have an optical barrel, a fixed barrel disposed at a rear side portion on

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an optical axis of said optical barrel, at least one lens barrel being movable along said optical axis with respect to said fixed barrel and wherein the imaging means is disposed at a backside portion on an optical axis of said lens barrel, in order to move the lens into focus to obtain a sharper image.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,963,437, discloses an optical device with an infrared filter and image sensor in the lens barrel.

US 6,208,393, discloses an optical device with an LCD shutter with infrared filtering.

US 6,362,921, discloses a camera with an infrared filter in the lens barrel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs

  
TUAN HO  
PRIMARY EXAMINER